

FILED

UNITED STATES DISTRICT COURT

MAY 02 2008

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NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

MAGISTRATE JUDGE DENLOW

CLERK, U.S. DISTRICT COURT

v.

CRIMINAL COMPLAINT

JOHN DOE,
also known as, "Arthur Louis Guajardo"

CASE NUMBER:

08CR 351

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 16, 2005 in Cook county, in the Northern District of Illinois defendant(s) did, (Track Statutory Language of Offense)

knowingly possess and use, without lawful authority, a means of identification of another person, namely, Arthur Louis Guajardo's name, date of birth, and social security number, with the intent to commit and in connection with an unlawful activity that constitutes a violation of Federal law, namely, passport fraud, in violation of Title 18 United States Code, Section 1542;

in violation of Title 18 United States Code, Section(s) 1028(a)(7).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

May 2, 2008 at
Date

Chicago, Illinois
City and State

Morton Denlow, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

AFFIDAVIT

I, Steven L. Havlin, being duly sworn, depose and state:

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), Office of Investigations, Chicago, Illinois. I am currently assigned to conduct Worksite Enforcement/Critical Infrastructure investigations and have been so employed since October 2006. As a Special Agent, my duties include investigating violations of the immigration and passport laws of the United States and identity theft complaints. I have training and experience in the identification of false identity documents.

2. This affidavit is in support of a complaint, which charges that on or about February 16, 2005, John Doe, also known as "Arthur Louis Guajardo," knowingly possessed and used, without lawful authority, a means of identification of another person, namely, Arthur Louis Guajardo's name, date of birth, and social security number, with the intent to commit and in connection with an unlawful activity that constitutes a violation of Federal law, namely, passport fraud, in violation of Title 18 United States Code, Section 1028(a)(7). The information in this affidavit is based on my own participation in the investigation, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence relating to this investigation. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all the details or facts of which I am aware relating to this investigation.

FACTS ESTABLISHING PROBABLE CAUSE

3. On or about November 14, 2007, I was contacted by attorney Kevin Marshall of Hammond, Indiana, who informed me that his client, Victim A, was a victim of identity theft. I subsequently interviewed Victim A on or about November 16, 2007, and learned that he was born in Chicago on February 25, 1963, and had resided in the Northwest Indiana area since 1994, with the exception of a brief period in 2002 and 2003 when he lived in the state of Washington. During the interview, Victim A provided me the following forms of identification: (1) a certified copy of an Illinois birth certificate showing Victim A's date of birth as February 25, 1963; (2) an Indiana driver's license, number 8960-15-1757, bearing Victim A's name and photograph; and (3) a social security card bearing Victim A's name and SSN ending in -8295. I had the opportunity to examine each of these documents, which appeared to me to be authentic.

4. During my interview of Victim A, he relayed the following events that led him to believe he was a victim of identity theft:

- a. In 1997, the IRS notified Victim A that someone using his name and SSN had already filed taxes for that year, which prevented Victim A from receiving a tax refund. Victim A then obtained a report of earnings from the Social Security Administration ("SSA") for the years 1990 to 1996, which showed eight of eleven employment records that did not belong to Victim A, but which corresponded to his SSN.
- b. In 2004, Victim A received a letter requiring him to appear before Judge Gregory A. Gillis in Lake County, Indiana Superior Court regarding child support that Victim A allegedly owed to the state of Indiana. Victim A stated that when he appeared in court, he was informed by the judge that Victim A was not the same person who had appeared before the court in previous hearings relating to the paternity matter. During Victim A's appearance before Judge Gillis, Victim A received a copy of the driver's license, social security card, and birth certificate previously provided to the court in 1994 by an individual claiming to be Victim A (later determined to be John Doe).
- c. In 2005, Victim A attempted to renew his Indiana driver's license at the Indiana Bureau of Motor Vehicles ("BMV") and learned that his Indiana license was no longer valid because the BMV's records indicated that Victim A had moved to

Illinois and had received a driver's license in that state.

5. On or about November 14, 2007, Victim A's attorney provided me with copies of the identification documents provided to Victim A by the Lake County Superior Court. As part of this investigation, I ran the identifiers from these documents through the public databases LexisNexis and LEADS and discovered that on or about January 29, 2007, an Illinois driver's license and identification card were issued in Victim A's name with Victim A's date of birth and an address of 5837 S. Rockwell in Chicago. On or about November 16, 2007, Victim A provided me with a sworn statement that he has neither applied for nor been issued an Illinois driver's license.

6. I also ran a search of Victim A's name and date of birth through the U.S. Department of State's Consular Consolidated Database ("CCD"), which revealed that in or about September 1994, an individual, later determined to be John Doe but using the name of Victim A, had applied for and received a U.S. passport (No. 140471718) using Victim A's name, date of birth, SSN, and parents' names. The application contained a photograph, which from my comparison, closely resembles the photograph depicted on John Doe's Illinois driver's license in Victim A's name. According to the CCD records, John Doe also provided to the U.S. postal office in Detroit, Michigan, a state of Michigan identification card in the name of Victim A and a copy of Victim A's birth certificate when he submitted the passport application. The CCD also showed that on or about February 16, 2005, John Doe applied for a second U.S. passport (No. 212927692), again using Victim A's name, date of birth, and SSN. On or about November 16, 2007, Victim A provided me with a sworn statement that he has neither applied for nor been issued a U.S. passport. The application also included John Doe's photograph and signature, a mailing address of 2800 Broadway, Lot 52, in Blue Island, Illinois, and a work telephone number for Vans Floral Products at 3730 W.

131st Street in Alsip, Illinois.

7. I conducted surveillance at Vans Floral Products on or about April 29, 2008, and observed a bronze, 1993 Nissan Sentra, temporary Illinois license plate 804J015 registered in Victim A's name parked at this location. My review of the SSA's records also indicated that between 1996 and 1997, John Doe earned wages from Vans Floral Products under Victim A's SSN.

8. As part of my investigation, I ran Victim A's identifiers through the Treasury Enforcement Communication System. My search revealed that on or about January 28, 2007, John Doe presented passport number 212927692 to U.S. Customs and Border Protection ("CBP") inspectors upon entering the United States from Mexico at Chicago's O'Hare International Airport. My search of this database also showed that on or about April 20, 2007, John Doe presented this same passport to CBP inspectors upon entering the United States from Mexico at the Laredo International Bridge in Texas. During this entry, database records show that John Doe was an occupant in a 1969 Chevrolet Truck, Illinois License Plate No. 74204N-B that was registered in Victim A's name and the address of 5837 S. Rockwell Street in Chicago. On or about November 16, 2007, Victim A provided me with a sworn statement that he has not traveled outside of the United States in the past five years.

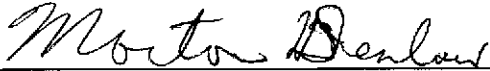
9. Based on the foregoing, I have probable cause to believe that on or about February 16, 2005, John Doe, knowingly possessed and used, without lawful authority, a means of identification of another person, namely, Arthur Louis Guajardo's name, date of birth, and social security number, with the intent to commit and in connection with an unlawful activity that constitutes a violation of Federal law, namely, passport fraud, in violation of Title 18 United States Code, Section 1028(a)(7)

FURTHER AFFIANT SAYETH NOT.



STEVEN L. HAVLIN
Special Agent
Immigration and Customs Enforcement

SUBSCRIBED AND SWORN TO BEFORE ME
this 2nd day of May 2008.



MORTON DENLOW
UNITED STATES MAGISTRATE JUDGE